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Attorneys for Defendant ASPLUNDH TREE EXPERT, LLC

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

WILLIAM JEROME RUTH, individually, and
As Wrongful Death Representative of the
ESTATE OF CYNTHIA SHOOK RUTH,

Plaintiff,

v.

**BEARTOOTH ELECTRIC COOPERATIVE,
INC.**, a Montana Corporation, and **ASPLUNDH
TREE EXPERT, LLC**, a Pennsylvania Limited
Liability Company,

Defendants.

Case No. 2:22-cv-00230-KHR

**DEFENDANT ASPLUNDH TREE
EXPERT, LLC'S MOTION IN LIMINE
NO. 1 TO EXCLUDE EVIDENCE OR
ARGUMENT AS TO CLAIMS FOR
EMOTIONAL DISTRESS, MENTAL
ANGUISH, AND/OR PAIN AND
SUFFERING**

COMES NOW Defendant ASPLUNDH TREE EXPERT, LLC (Asplundh), by and through counsel of record, and hereby submits its Motion In Limine No. 1 to Exclude Evidence or Argument as to Claims for Emotional Distress, Mental Anguish, and/or Pain and Suffering.

The basis for the motion is that the Wyoming Wrongful Death statute (Wyo. Stat. Sec. 1-38-102) does not permit damage recovery for emotional distress, mental anguish or pain and suffering.

This Motion is supported by Defendant Asplundh's Memorandum in Support of Motion In Limine No. 1, the attached Exhibits, and the entire record.

Dated this 29th day of November, 2023.

By: /s/ David Bona

David Bona (CA SBN: 209605;

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Admitted Pro Hac Vice

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*Attorneys for ASPLUNDH TREE EXPERT,
LLC*

CERTIFICATE OF SERVICE

This is to certify that on the 29th day of November, 2023, the undersigned served the within and foregoing **DEFENDANT ASPLUNDH TREE EXPERT, LLC'S MOTION IN LIMINE NO. 1 TO EXCLUDE EVIDENCE OR ARGUMENT AS TO CLAIMS FOR EMOTIONAL DISTRESS, MENTAL ANGUISH, AND/OR PAIN AND SUFFERING** upon counsel by electronic service via CM/ECF to:

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